

Are NUJS Online Courses Illegal?

Written by Abhyuday Agarwal, co-founder and COO, iPleaders. iPleaders managed all of NUJS's online courses as external vendor and technology partner.

Recent spurt of false allegations in media

I wish to respond to several allegations in the media made against NUJS online courses, which were serviced by iPleaders as a vendor. I am writing this article in my personal capacity since iPleaders has not agreed to put out a formal statement at this stage. However, the personal attacks from the shadows, especially through anonymous comments have brought upon me a situation where my silence is being used as proof of consensus.

In the last few months, many unsubstantiated false claims have been made about the status of the online courses started by NUJS in which iPleaders was involved as a vendor, surprisingly mostly from sources within the university.

In fact, the University has taken a position in Hon'ble Kolkata HC in a application filed by it that the courses were illegal and therefore cannot be completed. Interestingly, the application failed to provide any legal provision in its support of the claim that without UGC recognition running such online courses were illegal.

Arjun Agarwal, a former president of student association of NUJS falsely claimed the same in articles he wrote in The Wire and The Statesman, again, failing to state any law in his support.

More than that, certain unnamed sources told Ei Samay, a local bengali daily, that the online courses have been running without any AC or EC approval, which is patently false. Here is a [link to the relevant AC and EC resolutions](#). Arjun Agarwal claimed that therefore not the university but the staff members who were involved in running the courses in their official capacity should be refunding the fees to the students of such courses.

Anybody interested to know the truth could have asked the School of Distance and Mass Education for the information and would have promptly received it as I did.

All of these were preceded by a series of anonymous comments of Legally India that claimed variously that these courses were illegal, or have been run without requisite permissions. Clearly, a rumour mill has been working hard at vilifying these courses and spreading false information regarding the same, and also about us.

While only the University administration can be held responsible for any failure to comply with laws, and not iPleaders as a vendor hired contractually by NUJS as technical and customer services partner, I indeed did some due diligence before being a part of these courses. In the last few days, I have been approached by several of our well-wishers who asked for an explanation in light of uncharitable report such as by Ei Samay.

Since NUJS has not done its part in allaying these concerns and putting these lies in their grave, I am compelled to address these concerns in a public manner in order to preserve my reputation. We have not been involved in any illegal activity. The courses were legal, legitimate and run according to prevailing legal and market standards.

We have heard that some enquiry committees have been created at NUJS to look into various private partnerships NUJS had for running different distance courses. Interestingly, we have never been asked to give any information or details although NUJS earned over 2.5 Cr through the courses involving iPleaders in the last 3 years, and these amounts constituted a significant portion of the NUJS annual budget.

We would have really appreciated an opportunity to present the other side of the story to the EC as well various enquiry committees appointed by it, but it seems that there are vested interests within the university which are committed to prevent such transparent exchange of information, and is controlling the information that goes through to the decision making bodies.

I will substantiate my claim with relevant legal provisions, precedents and standard practices. I challenge Arjun Agarwal and others who have been falsely proclaiming these courses illegal without citing the law to share their research in response, or admit that they have been erroneously making these wrongful claims and apologise for the same.

How did the online courses program start at NUJS

In 2011, two NUJS alumni Ramanuj Mukherjee and Abhyuday Agarwal (that's yours truly), who were at that time working in a leading corporate law firm as associates, proposed to the Vice Chancellor Prof. M.P. Singh that there is a need for practical business law education for Indian legal industry to grow fast which should use the online learning medium for ease of access.

A presentation was made before a meeting of all faculty members in January 2012 in which the proposed curriculum for a course titled 'Diploma in Entrepreneurship Administration and Business Laws' (**Business Law Diploma**) was discussed. The faculty members were very enthusiastic and believed that this will help NUJS to attract talented students from IITs and IIMs who are walking the path of entrepreneurship and a business law course which helps them will be a great value to Indian society.

After incorporation of the comments of the faculty, the proposal was shared with the governing bodies of the university. After obtaining their approval, Prof. M.P. Singh thereafter signed an MoU with iPleaders and started the first online course by NUJS, which was pathbreaking at the time and was praised by various media houses such as Indian Corporate Law Blog, SpicyIP, LegallyIndia, Lawctopus, Bar and Bench, etc.

Once approval of the governing bodies was received and an MOU was signed with the University on October 18, 2011 we quit our well-paying and secure law firm jobs in April and May 2012 and decided to devote ourselves to spreading the cause of access to justice

through online legal education on a full-time basis. The first batch of the Business Law Diploma was commenced in July 2012. The MOU for the diploma course was renewed on 28th June, 2015.

Subsequently, on 28th February, 2015, the University executed an MOU with iPleaders to commence certain certificate courses. On 6th September, 2016, the University executed an MOU with iPleaders to commence a masters course called M.A. in Business Laws.

Like the diploma course, all these MOUs were executed only **after** obtaining approvals from governing bodies of the University (Academic Council approvals for the diploma course, certificate courses and M.A. in Business Laws are attached [here](#)).

Legal Position under West Bengal National University of Juridical Sciences Act, 1999

The NUJS Act of 1999 provides that the university will strive to educate the masses about law, and online courses held a promise to achieve the same, which can be inferred from the following provisions:

- Section 5 (ii) of the Act confers the power on the University to provide for instruction in such branches of knowledge or learning pertaining to law as the University may think fit and to make provision for research and for advancement and dissemination of knowledge of law
- Section 5 (iv) of the Act empowers the University to hold examinations and to grant diplomas or certificates, and to confer joint degrees in law combined with other disciplines and other academic distinctions on persons subject to such conditions as the University may determine
- Section 5 (xviii) of the Act specifies the power and functions of the University, *inter alia*, to cooperate with any other organization in the matter of education, training and research in law, justice, social development and allied subjects for such purposes as may be agreed upon on such terms as the University may from time to time determine.

The NUJS Act is the source of NUJS' power to offer degree, diploma or certificate courses. Unless another law specifically '*prohibits*' offering of courses without obtaining consent or recognition of a particular body, conducting such courses is not legally invalid, even if such consent or recognition is not obtained.

UGC Act differentiates power to confer valid degrees vs. power to recognize those degrees

The major thrust of attack has been that these courses were not recognized by UGC and

therefore illegal. The detractors have consistently failed to cite any provision of law however, that says that online courses without UGC recognition were illegal at the time when these courses were running.

In reality, until UGC introduced online education regulations in July 2018, online education was unregulated. Even UGC never claimed otherwise. UGC never had any problems with NUJS courses. They were informed about these courses. The registrar of NUJS at the time, Mr. Parameswaran, went and met the UGC authorities to seek clarifications. He also submitted an application for recognition at the time as per prevalent rules. Not only that, these courses were approved by an EC of which the UGC chairman himself was a member. He never raised any objection to these courses as they were passed through the EC of NUJS.

Not only the UGC chairman, even Altamas Kabir who was Chief Justice at the time and member of NUJS EC approved of the courses and appreciated the initiative and in fact suggested that chapters related to CSR should be included in the business law course. We were told by the erstwhile VC Prof. MP Singh to change the syllabus and content of the course accordingly.

Still, let us examine all the relevant laws one by one.

As per Section 22 of the UGC Act (see [here](#)), the right to confer degrees is upon a University - other entities cannot grant degrees. Notice that the UGC Act does not reserve the power to grant degrees to the UGC, and it does not state that only those degrees which are recognized by the UGC are to be considered as valid degrees. A University can grant the degree as long as the degree granted is as per the specification of degrees issued by Central Government.

Thus, the legal power to grant degrees is entirely different from the issue of recognition of degrees. The rationale for this interpretation is affirmed by the long title of the UGC Act as well, which states that it is:

An Act to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission.

Thus, it is intended for coordination and determination of standards in Universities, and not to usurp the source of the power to issue degrees. The UGC Act itself declares in Section 22 that Universities have the power to grant degrees.

Coupled with Section 5 of the NUJS Act, there is no doubt that NUJS has the authority to offer degrees, and that conducting a degree course is not illegal.

Thus, the power to grant legally valid degrees and recognition of those degrees are separate functions altogether. For reference, Section 22 is provided below:

(1) The right of conferring or granting degrees shall be exercised only by a University established or incorporated by or under a Central Act, a Provincial

Act or a State Act or an institution deemed to be a University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.

(2) Save as provided in sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree.

(3) For the purposes of this section, "degree" means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the official Gazette.

Supreme Court Cases recognize this position

This interpretation recognizing the right of statutory universities (NUJS is a statutory university as it is incorporated under the WBNUJS Act of 1999) to grant degrees as per the UGC Act was mentioned in the following cases:

- [Azeez Basha v. Union of India](#) AIR 1968 SC 662 - relevant excerpt below:
But what distinguishes a University from any other educational institution is that a university grants degrees of its own while other educational institutions cannot. It is this granting of degrees by a university which distinguishes it from the ordinary run of educational institutions...Thus in law in India there was no prohibition against establishment of universities by private individuals or bodies and if any university was so established it must of necessity be granting degrees before it could be called a university. But though such a university might be granting degrees it did not follow that the Government of the country was bound to recognise those degrees...It is only in 1956 that by Section 22(1) of the University Grants commission Act, (No. 3 of 1956) it was laid down that "the right to conferring or granting degrees shall be exercised only by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act.
- [Prof. Yashpal vs. State of Chhattisgarh](#) (SC) - relevant excerpt is below:
It is for this purpose that the right to confer degree has been given under Section 22 of UGC Act only to a University established or incorporated by or under a Central Act, Provincial Act or State Act or an institution deemed to be a University under Section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees. Sub-section (3) of this Section provides that "degree" means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette.

These cases did not provide specific reference to recognition of those degrees as pre-conditions to their validity. In other words, non-recognition of those degrees did not impact their validity, as long as they were provided by Universities which were incorporated by statute.

Very importantly, while the right to confer degrees is specifically conferred upon Universities as per Section 22 of the UGC Act, the provision does not mention diploma or certificate courses.

In fact, the Central Government, which is empowered under Section 22(3) to notify degrees, has not listed any certificate or diploma courses in its specification of degrees in March 2014 ([here](#)) or the amendments to it (see [here](#) and [here](#)).

Further, under Section 26 of the UGC Act, the Commission may make regulations:

(f) defining the minimum standards of instruction for the grant of any degree by any University;

(g) regulating the maintenance of standards and the co-ordination of work or facilities in Universities.

The University Grants Commission (Open and Distance Learning) Regulations, 2017 are to be interpreted in this light.

Thus, such certificate and diploma courses, not being degrees, are treated differently by UGC and the regulatory mechanism.

Here is an article published in the [Financial Express that explains this position and concurs with the fact that online courses without UGC recognition could not be termed as illegal.](#)

Consequences of non-recognition of distance courses

Until 4th July, 2018, the UGC had issued no regulation specifically governing online courses. Until then, UGC regulations only referred to courses in distance learning mode, and allowed universities to collaborate with private entities for the purpose of obtaining technology.

Central Government Notification No. 44 dated March 1, 1995

As per *Gazette Notification No.44 dated March 1, 1995* (see page 3 of the document [here](#)), consequence of a course not recognized by UGC (the function was then handled by IGNOU) was that it would not be recognized as a qualification for the purpose of positions in the Central Government. The exact text of the notification is as follows:

On the recommendations of the Board of Assessment for Educational Qualifications, the Government of India has decided that all the qualifications awarded through Distance Education by the Universities established by an Act of Parliament or State Legislature, Institutions Deemed to be Universities under Section 3 of the UGC Act, 1956 and Institutions of National Importance declared under an Act of Parliament stand automatically recognized for the purpose of employment to posts and services under the Central Government,

provided it has been approved by Distance Education Council, Indira Gandhi National Open University, K 76, Hauz Khas, New Delhi – 110016 and wherever necessary by All India Council for Technical Education, I. G. Sports Complex, I. P. Estate, New Delhi – 110002.*

MHRD's stance

This is also confirmed by the MHRD's stance ([here](#)), as follows:

It is up to the concerned academic institution/university to recognize the qualification including certificate diploma, degree, etc. for the purpose of academic pursuit, i.e. continuing education for acquiring another academic qualification, with it. As regards recognition of academic qualifications for the purpose of employment, it is the prerogative of the concerned employer to take a view on the recognition of the degree, diploma, etc.

Central Government, as an Employer, had made its position clear in respect of academic qualifications; acquired through distance mode of education, for the purpose of employment under it, vide Gazette Notification No.44 dated March 1, 1995.

Please note how MHRD does not say that unrecognised degrees are illegal. Rather it says that while such degrees will not be considered for government jobs, whether they will be considered by private employers is entirely up to such employers! In fact, even academic institutions are free to take a view on whether they will accept unrecognized degrees for purpose of academic qualification!

How does this leave any scope for arguing that courses non-recognised by UGC are illegal?

UGC's Stance on Recognition

To confirm the position of UGC, an RTI dated 18th December, 2014 had been filed with UGC to seek clarification on the consequences of non-recognition by the UGC (accessible [here](#)). Specifically, the following questions were asked which are worth mentioning here:

Consequences of not having UGC Recognition

RTI Question

- 1) If any University in India wants to start any certification, diploma or degree courses in distance mode, is it mandatory to take approval from UGC? What are the consequences of not taking such approval, if necessary?

UGC Response:

Question of the Applicant	UGC Reply
1	As per the Gazette Notification No. 44 dated 01.03.1995, any degree offered through distance mode is valid for employment in Central Government jobs and pursuing higher studies provided the programmes is approved by DEC/UGC and has necessary approval of concerned regulatory body, wherever required (copy enclosed).

Note how UGC only says that such courses will not be valid for central govt jobs and pursuing higher studies. It says nothing to the extent that an University may not offer such courses without UGC recognition! They have not said, despite a clear question to that effect, that it is illegal to start any such courses without approval.

In fact, this was the law! UGC did not have any legal instrument to stop universities from starting unrecognized degrees, diplomas or certificate course in distance mode at that time.

RTI Question:

- 2) Has UGC taken any action against Universities offering distance courses if they do not have necessary approvals or recognition from UGC? Please provide details of such actions.

UGC Response:

2	It is the sole responsibility of the University to take prior permission of UGC for offering distance education programmes.
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As seen above, the UGC did not specify any consequence for offering courses which are not recognized by it. They were unable to provide details of any action taken because no such action was taken. There was no legal basis to take any such action. It goes without saying that at the time numerous online and offline distance courses were being offered by almost every law school without UGC recognition.

For instance, National Law School Bangalore offered its famous [MBL program for 14 years without seeking UGC recognition till 2007!](#) NLU Jodhpur, NLIU Bhopal, GNLU Gandhinagar and many other NLUs offered such courses without UGC recognition.

None of them have ever faced a single notice from UGC or any such allegation of illegality.

Why then NUJS is claiming that it has been running illegal courses? My best guess is that certain elements in the current NUJS administration has been misrepresenting the legal position intentionally or mistakenly. Perhaps some of them are too neck deep in college politics to afford a simple reading of the relevant laws.

What really happened

In 2013, the functions of the Distance Education Council of IGNOU were shifted to a new Distance Education Board which would be directly managed by UGC, pursuant to a

notification dated 17 June, 2013 accessible on Page 2 of UGC's RTI response [here](#).

The UGC's response clearly states that the erstwhile 2009 Handbook (available [here](#)) for recognition of distance courses would be applicable, even post this shift.

RTI question:

14) If a university wishes to apply for UGC-recognition for its courses, which regulations / guidelines should it comply with? Please mention the name of the relevant UGC instrument.

UGC Response:

14	As on date the guidelines of erstwhile DEC i.e. Handbook of Recognition for ODL Institutions 2009 is being followed till such time the new ODL Regulations by UGC are notified. You may refer to UGC notification dated 17.06.2013 (copy enclosed).
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However, upon oral inquiry from NUJS and iPleaders representatives about UGC recognition, UGC officials requested to wait for new regulations, which were to follow soon as per their estimate. They were not issuing any new recognition as of then, which was confirmed through their response to the RTI.

RTI Question

15) Did any University receive recognition of Distance Education Department from UGC specifically since 2013? Please provide dates of recognition. How many application for such recognition has been filed so far?

UGC Response:

15	No new recognition has been given by UGC since 2013.
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In other words, in spite of an instrument that validly existed, UGC did not perform its statutory function to recognize new universities for distance education, until new regulations were issued, four years after 2013.

NUJS' Actions for Recognition of Distance Courses by UGC

NUJS was interested in obtaining UGC recognition for its courses in the interest of students, as that would further enable their qualification to be recognized by Central Government. Pursuant to UGC's response and the 17th June, 2013 notification stating that the 2009 Handbook (available [here](#)) was applicable for recognition of distance courses, NUJS decided to furnish its application for recognition as per the said Handbook. It sought assistance of iPleaders in the preparation of the UGC recognition form particularly for technology-related aspects.

NUJS' application to UGC dated 26th November, 2014 can be viewed [here](#) along with the [covering letter](#) (with [despatch receipt](#) dated 23rd February, 2015 and [proof of service](#) by

Speed Post indicating delivery on 24th February, 2015). This application was prepared as per the 2009 Handbook.

NUJS did not receive a response to the application from UGC.

After examining the existing rules, regulations and RTI response, the NUJS administration came to the conclusion that University should not wait to generate funds for itself through distance education and would launch online courses right away as there was no rules against launching such courses.

This stand was validated in July of 2018, as UGC launched a specific legislation targeted at online courses, and for the first time specifically mentioning diploma and certificate courses, unlike previous legislations that dealt with offline distance education.

This is also a position that was widely followed by other universities, from law universities like GNLU, Gandhinagar and RGNLU, Patiala to other institutions of eminence such as IIFT, Delhi, IIM Rohtak and numerous others which continued to offer online courses without any recognition from UGC.

Evidently, the UGC's position has been that they had no regulation for online courses earlier, and while they did not recognize any online courses therefore, they have never claimed that universities were not entitled to offer those courses without their recognition. UGC has certainly never said that such unrecognised courses were illegal.

Subsequent Developments

UGC (Open and Distance Learning) Regulations, 2017

On 23rd June, 2017, UGC issued University Grants Commission (Open and Distance Learning) Regulations, 2017 (see [here](#)), which apply to degree courses offered through open and distance learning. There was no direct mention of online courses. Considering that separate regulations for online courses were issued in July 2018 without repealing these regulations, there are two ways of interpreting this:

1. These regulations were not intended to apply to online courses at all. This interpretation will hold true at least after 4th July, 2018.
2. These regulations apply to online courses from 23rd June, 2017 to 4th July, 2018, i.e. until the 2018 regulations were issued, based on the assumption that *online* could be considered to be a mode of delivery for distance courses. This is not the legal position now, but possibly could be interpreted this way by a court.

For the time period between 23rd June, 2017 to 27th June, 2018, even if the second interpretation is adopted on a conservative note, it is worth examining the implications of the 2017 Regulations. We are quoting Regulation 1(2) of the regulations below.

Regulation 1(2)

“These Regulations lay down the minimum standards of instruction for the grant of degree at the undergraduate and post-graduate levels, through Open and Distance Learning mode, and shall be in addition to and not in derogation of any other Regulations, Notifications, Guidelines or Instructions issued by the Commission from time to time.”

Regulation 2(f) defines degree to be a degree specified under Section 22(3) of the UGC Act. As per Section 22(3) the Central Government is empowered to specify the degrees which will be regulated. The specification of degrees notified by the Central Government in March 2014 ([here](#)) or the amendments to it (see [here](#) and [here](#)) do not list diploma or certificate courses.

After these regulations came into force, NUJS stopped further admissions in its online degree course MA in Business Law in July 2017. Naturally, those students who had been admitted to the course earlier were continuing in the course as the Regulations were to apply prospectively. As a general rule, all statutes and regulatory instruments are applicable prospectively, and this notification did not contain language to indicate retrospective application. In fact, it required that the regulations be complied with only for academic sessions starting in 2018.

Further, it is to be noted that only applications for renewal or continuation of recognition for universities which were already recognized had been invited, for the January 2018 and July 2018 batches on the UGC website (presumably recognizing that the process of recognition by UGC, NAAC approval, etc. would take at least that much time). This made it very clear that the Regulation is to be prospectively applied. However, a window for accepting applications from universities which were not earlier recognized was promised to be opened up, but it was not.

After reviewing the regulations, the University decided to carry on with online diploma and certificate courses. The above interpretation was a very conservative one, because the UGC Act very clearly differentiates between the power of conferring degrees by universities and recognition of those degrees (by Central Government), as below. UGC, as per its regulations, also undertakes the functions of *recognizing* universities and courses in distance mode, which is an entirely different power.

University Grants Commission (Online Courses or Programmes) Regulations, 2018

UGC (Online Courses or Programmes) Regulations, 2018 was the first set of regulations which directly govern online courses and apart from degrees, specifically mention diploma and certificate courses too. Incidentally, NUJS had stopped taking any new admissions to its courses on 27th June, 2018. No admissions have happened in any online course after these regulations came into force.

One may wonder why the UGC has now passed regulations regulating online courses. The reason for it is simple. As per Section 26 of the UGC Act, the Commission may make regulations:

(f) defining the minimum standards of instruction for the grant of any degree by any University;

(g) regulating the maintenance of standards and the co-ordination of work or facilities in Universities.

Sub-clause (f) does not specify diploma and certificate courses, and one may argue that such regulations cannot be passed.

An indirect source of the power can be drawn from sub-clause (g), although it does not pertain to standards *of instruction*, but standards in connection with coordination of work and facilities.

Assuming that the power is sourced from sub-clause (g), UGC's intention to regulate universities is justifiable in the context that many universities are starting courses and defrauding students by lying to them that they have valid UGC recognition, when they actually do not have a valid recognition or renewal in place. UGC, like any other regulator, will regulate the space of education and thus educational institutions, and it is in this context that offering courses without UGC-recognition can impact grants received by universities and that UGC may also take action for violation of UGC Act or assist in filing an FIR. That is only to happen when fraud is involved.

With respect to the NUJS M.A. in Business Laws course, a clarificatory statement was made to students who enrolled that while NUJS has made an application to UGC for recognition, the course is not recognized by UGC, and the impact of non-recognition of a course by UGC was also provided, namely that the qualification will not be recognized for eligibility or promotion to Central Government positions.

NUJS also went a step further to let students know that they may not be eligible for Ph.D from universities which require a UGC recognized Masters, or universities which do not restrict eligibility for PhD. to students who have obtained a Masters degree through regular mode only.

Also, these regulations are clearly prospective in nature, when read as per their plain language. They do not impact any events that were conducted prior to them.

Thus, as the courses were already discontinued after the regulations were passed, no illegality subsists.

Was the Reputation of the University Diluted?

Some allegations were made that these courses compromised the reputation of the university. I would like to respond to those allegations with some facts and data over here. On the contrary, success of these online courses brought the University accolades and industry linkages. NUJS was considered a pioneer in the space of online courses thanks to these courses.

Over the past six years, these courses have been taken up by more than 4713 learners from more than 20 countries, such as USA, UK, Qatar, Hong Kong, UAE, Indonesia, Malaysia, Mauritius, Côte d'Ivoire, Fiji, Morocco, Mozambique, Solomon Islands, Oman, Saudi Arabia, Hungary, Sri Lanka, Kenya, Ghana and Ethiopia.

Learners include diplomats such as an attache of the Gambian embassy in New Delhi, foreign authorities such as the Registrar of Companies from Solomon Islands, a sitting judge from Delhi judiciary, IAS and tax officers, officers from Indian Army, senior officials of EPFO, retired labour commissioners, senior executives from banks such as Nomura, Credit Suisse, SBI, HDFC, HSBC, directors and managers from companies such as HT Media, ACC Limited, Adani Ports SEZ, Hindustan Sugar, Accenture, Louis Berger, etc. A list of designations of our distinguished Indian and international learners is provided in Annexure 2.

The University was able to educate and contribute to a massive amount of social development, which is in consonance with its functions under Section 5(xviii) of the Act.

Students also benefited from these courses, as new career opportunities opened up for them. Students from several IITs, IIMs, Indian School of Business, BITS Pilani, XLRI Jamshedpur, XLRI, IMT Ghaziabad, ICFAI and law schools across India have taken these courses up.

After pursuing these courses, law students have been placed in the country's top law firms such as Cyril Amarchand Mangaldas, Trilegal, AZB & Partners, Shardul Amarchand Mangaldas, JSA, Trilegal or pursued LL.Ms in universities such as Queen Mary University of London, Harvard University, NUS Singapore and University of Amsterdam.

These courses also enabled the University to reach out to several industry experts and tap into their expertise. A list of industry experts who have contributed their insights and organizations where students of these courses work have been provided [here](#).

A list of student profiles and their comments has been provided separately over [here](#)

The University's innovative approach to online education has been consistently acknowledged by national media. The launch of an Executive Certification in Sexual Harassment Prevention and Workplace Diversity to enable executives to implement India's new anti-sexual harassment law was proudly acknowledged in [Hindu](#), [Economic Times](#), [Firstpost](#) and [Indian Express](#). Over the past 6 years, even when the University received negative publicity or been subject to controversy on different issues by the media, online courses have enjoyed a clean reputation and been a source of pride.

In 2015, the University was awarded the SILF-MILAT Institutional Excellence Award for its exceptional academic excellence and contribution to legal research publications and *socially relevant extension services* such as online courses that reach a large number of people.

In fact, student research produced while pursuing the University's courses is regularly published online on various platforms such as taxmantra.com, official publications of ICSI, various law reviews and websites like livelaw.in and iPleaders blog.

Till date, more than 900 articles authored by students of these courses have been published online, which provides students exposure, enables them to contribute to solving the problems of society and educates the common public. This is in consonance with Section 5 (ii) of the Act, which confers the power on the University *to provide for instruction in such branches of knowledge or learning pertaining to law as the University may think fit and to make provision for research and for advancement and dissemination of knowledge of law.*

In the May 2017 issue, the University was mentioned in the top 3 law university in the India Today rankings. In the explanation, it was mentioned that various courses launched by the university to reach different categories of people apart from regular LLB and LLM courses is a major factor for good reputation of NUJS.

Why did iPleaders, a private entity get a numerically larger share?

There have been concerns that as per the MOUs, iPleaders takes the lion's share of the revenues, i.e. 70 percent. The background of that needs to be understood.

When the Diploma in Entrepreneurship Administration and Business Laws was first proposed, in order to decide the revenue sharing ratio between the parties, multiple models were discussed. One of the models proposed was a 50:50 revenue sharing model, where both parties would incur the financial costs, assume various responsibilities and bear risk equally, and therefore share revenues equally. However, the University was not willing to bear the risk or put an upfront financial investment as the future of a new course could not be predicted with certainty beforehand.

Given that scenario, iPleaders agreed to undertake the full responsibility of bearing the financial investment and risk in operating the courses. Ongoing expenses and costs would also be borne by iPleaders. The University would not be required to make any financial investments, either initially or subsequently. All responsibilities for conducting the course, spreading awareness, providing technology, contacting experts, etc. for course creation would have to be borne by iPleaders.

In exchange for the responsibility to make financial investments and to undertake the risk of loss of a new course, a 60:40 **profit-sharing** ratio was decided between iPleaders and the University. Fees for all programs conducted in collaboration with iPleaders would be received in a separate University bank account.

All costs incurred would be set-off when revenues were generated, and the profits would then be shared between iPleaders and the University. If there were no revenues or insufficient revenues, iPleaders would have to bear the loss. iPleaders had a higher profit share in comparison to the University, to balance the risk of failure.

The University was responsible for conducting an academic audit of the course to ensure the content meets appropriate academic standards. Charges for evaluation of assignments by University faculty and any costs incurred by University faculty to create study materials were to be borne by iPleaders.

The course was running very successfully and the University was making in excess of 10 - 20 lakhs every year as its profit share. This led to the entry of numerous other players in the market (Enhelion, MyLaw, Rostrum Legal, Indian Academy of Law and Management, Fusion Law School, Thomson Reuters, etc.) who created similar course names and syllabi and charged an extremely low fee, to benefit from the momentum that the NUJS Business Law Diploma had gathered amongst students. While they did not offer the same level of student support and services, costs of sales and marketing increased significantly. As our cost increased, both iPleaders' and the University's profit share reduced.

When the Business Law Diploma MOU came up for renewal, the University preferred to stabilize its revenues from the online course, rather than let it remain unpredictable owing to increasing costs. It preferred to have a **revenue share** rather than a **profit share**, so that its revenues could be more predictable. That shifted the complete risk of managing the costs on iPleaders - the University would now make a fixed share of the student fees from admissions, and iPleaders would have to manage all costs for running the course from its own share of the fees. The University did not have to bear any financial costs, irrespective of how high its revenues were.

A 60% revenue share was unviable for us to be able to shoulder this new burden. To enable iPleaders to bear that risk, the University authorities suggested that we take a 70% revenue share. The University would receive a 30% revenue share, but the actual receivables of the university turned out to be higher than what would be there under a 40% profit share, because the high costs left a very low profit.

For iPleaders, the 70% revenue share turned out to be lesser than the 60% profit share, as costs had increased, but iPleaders agreed because the University agreed to share revenues on a monthly basis. That improved short-term availability of funds for iPleaders to meet expenses on a month to month basis. Apart from the revenue sharing aspect, the agreement was renewed on its earlier terms as per MOU for Renewal of Business Law Diploma Course dated 28th June, 2015 for a period of 5 years.

When the certificate courses were commenced, their success was also incapable of being predicted in advance, and the University preferred to retain a stable incoming source of funds from admission fees, rather than assume the responsibility of making financial investment or bear the uncertainty of a varying profit share, as costs were highly fluctuating. Therefore, the University preferred to follow the same revenue sharing ratio in the MOU for certificate courses in the MOU for Certificate Courses dated 28th February 2015, which incorporated the other terms of the Business Law Diploma by reference to the business law diploma MOU. **This agreement is also valid for a period of 5 years, and shall be automatically renewed unless it is terminated.**

However, the M.A. in Business Laws was started (now discontinued) with a revenue share of 60:40, keeping in mind that the University would have to exercise a higher degree of operational oversight on that course. The tilt of 60% in favour of iPleaders and 40% in favour of University was because University would not be required to invest, financial risk of the program would be on iPleaders and the different costs incurred in administration of the course and e-learning materials would be borne by iPleaders. University faculty who created content and who evaluated student assignments were also remunerated from iPleaders'

revenue share.

Did a private entity benefit at the expense of NUJS?

In fact, financials of the Intelligent Legal Risk Management Solutions LLP show the following profit figures for the last 3 years, as evident from its MCA filings which are publicly accessible:

- **Financial year 2017-2018:** Loss of 17.44 lakhs
- **Financial year 2016-2017:** Loss of 10.59 lakhs
- **Financial year of 2015-2016:** Profit of 8.62 lakhs

In comparison, NUJS has made clean profit exceeding INR 80 lakhs in each of the previous two financial years, i.e. F.Y. 2016 - 2017, F.Y. 2017 - 2018. In all, the University's own profit share from these courses over the past few years is around **INR 2.5 crores**.

In light of our losses, we repeatedly requested the University to increase course fees or increase our revenue share or revert to a profit share model. The faculty coordinators and the registrar promised to get back to us, but never did.

Such a wide difference exists between the profits made by the University and iPleaders, as the University was not required to bear any costs in connection with the courses. It was merely required to make a nominal payment to the faculty coordinator and the DEO for each course, which was cumulatively within **INR 50,000 per year** when there was only one course and **within INR 1.5 to INR 2 lakhs per year for the diploma, masters and certificate courses combined**.

Audited balance sheet of iPleaders has been provided to NUJS at the request of faculty coordinators.

In other words, the University's financial interest in the success of the courses was adequately taken care of. These courses were a cash cow for NUJS.

However, there is currently a large outstanding due from NUJS, to the tune of 70 lakhs, which we are taking all legal measures from recover from NUJS as contractual dues for services rendered.

Final few words and a request

I am sure in the coming days the truth will be established in the court of law. However, it may be a long process. It will be an injustice if we allow a few individuals to spread falsehoods in interest of their witch hunt. We have no intention of continuing to work with any universities at all going forward. We are very happy with the work we are doing at lawsikho.com and we are growing rapidly and would like to leave the NUJS chapter behind. We would also like to see to it that we receive any dues and that the students get their certificates and refunds.

However, we surely would not put up with lies and slanders. We request your support in revealing the truth and countering this misinformation campaign.

NUJS online courses were not illegal. And these courses were certainly not against the interest of the university. The University launched over a dozen other distance courses, including with 3 other private partners as well as on its own strength. None were very successful if compared with courses supported by iPleaders, enrollment in which ran into several thousands and brought crores of profit for the University! Most other distance courses started by NUJS were loss making.

I hope this sets the record straight. We have not been given any opportunity by NUJS despite many requests to allow us to represent vital facts and documents that are in our knowledge despite several requests. Such information have been strategically suppressed before the AC and EC. In fact that EC minutes I have seen (submitted to Kolkata HC) suggests that the EC is not being told the truth about the status of litigations and what stage they are in.

Unfortunately, our requests for representation and being given an opportunity to defend our stand fell to deaf ears so far. NUJS is a public university, and I hope these facts we put on record above will enrich the public discourse. I also hope to receive logical responses based on facts and figures in the time to come from those people who have been repeatedly attacking the courses and our reputation without offering any justification for that.

We are also forwarding the above information to NUJS EC members for their consideration.